

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL TASH**, on March 19, 2003 at 3:12 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Tash, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Sherm Anderson (R)  
Sen. Gregory D. Barkus (R)  
Sen. Jon Ellingson (D)  
Sen. Rick Laible (R)  
Sen. Bea McCarthy (D)  
Sen. Dan McGee (R)  
Sen. Gary L. Perry (R)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)  
Sen. Ken Toole (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Krista Lee Evans, Legislative Branch  
Roberta Opel, Committee Secretary

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

**Committee Business Summary:**

Hearing & Date Posted: HB 527, 3/19/2003, HB 617,  
3/19/2003, HB 223, 3/19/2003, HB  
537, 3/19/2003  
Executive Action: HB 700, HB 584

**HEARING ON HB 527**

**Opening Statement by Sponsor:** REP. SCOTT MENDENHALL, HD 39, Jefferson County opened the hearing on HB 527 and presented an amendment; to provide a long-term plan for mined-land reclamation. **EXHIBIT(nas58a01)**

**Proponents' Testimony:**

3:22pm Angela Janacaro, MT. Mining Association  
3:25pm Doug Bailey, Manager, Golden Sunlight Mine  
3:26pm Bob Martz  
3:29pm Tammy Johnson, Whitehall, MT. resident  
3:30pm Mary Allen, Western Environmental Trade Association (WETA)

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

3:31pm Begin  
3:33pm End  
2 min Elapsed time

**HEARING ON HB 617**

**Opening Statement by Sponsor:** REP. SCOTT MENDENHALL, HD 39, Jefferson County, opened the hearing on HB 617; to revise metal mine reclamation laws.

**Proponents' Testimony:**

3:40pm Angela Janacaro, MT. Mining Association  
3:42pm Doug Bailey, manager, Golden Sunlight Mine  
3:45pm Rick Jordan, superintendent, Golden Sunlight Mine  
**EXHIBIT(nas58a02)**  
3:47pm Tammy Johnson, Whitehall, MT. resident  
3:50pm Holly Wonacott, Butte **EXHIBIT(nas58a03)**  
3:50pm Martin Johnson, Golden Sunlight employee  
3:51pm Tom Slovaney, Golden Sunlight employee  
3:55pm Mary Allen, WETA  
3:56pm Tom Lythgoe, Jefferson County Commissioner  
3:57pm Bob Marks, representing himself

**Opponents' Testimony:**

3:58pm Kim Wilson, attorney, representing plaintiffs in the Golden Sunlight Mine

4:05pm Don Judge, representing MT. Chapter of the Sierra Club

4:10pm Cody Ferguson, Northern Plains Resource Council (NPRC)

**Questions from Committee Members and Responses:**

4:11pm Begin

4:35pm End

24 min Elapsed Time

**Informational Witness and Testimony:**

4:26pm Begin Steve Welch, MT. Dept of Environmental Quality (DEQ)

4:28pm End

2 min Elapsed time

**Closing by Sponsor:**

4:35pm **REP. MENDENHALL** closed the hearing on HB 617.

**HEARING ON HB 223**

**Opening Statement by Sponsor:** **REP. BOB LAWSON, HD 80, northwest portion of the Flathead Valley**, opened the hearing on HB 223; authorize state land sale proceeds for land purchases.

**Proponents' Testimony:**

4:55pm John Morrison, MT. State Auditor **EXHIBIT (nas58a04)**

5:00pm Bud Clinch, Director, MT. Dept. of Natural Resources and Conservation (DNRC)

5:11pm Bob Brown, Secretary of State

5:12pm Sen. Mike Cooney, SD 26

5:15pm Kathy Bramer, representing State Supt. Linda McCulloch

5:15pm Pam Buey, MT. Dept. of Justice

5:16pm Ellen Engstedt, representing MT. Wood Products and the MT. Farm Bureau

5:16pm Janet Ellis, representing Montana Audubon and Montana Environmental Information Center (MEIC)

5:17pm Steve Pilcher, MT. Stockgrower's Association

**Opponents' Testimony:**

5:17pm Dale Pugh, Great Falls **EXHIBIT (nas58a05)**

5:29pm James Bowhart, Fergus County farmer

**Questions from Committee Members and Responses:**

5:36pm Begin  
6:05pm End  
31 min Elapsed time

**Closing by Sponsor:**

6:05pm **REP. LAWSON** closed the hearing on HB 223.

**HEARING ON HB 537**

**Opening Statement by Sponsor:** **REP. BOB LAWSON, HD 80, Flathead Valley**, presented HB 537 to the committee; require a study to recalculate annual sustainable yield on forested state lands.

**Proponents' Testimony:**

6:12pm Bob Brown, Secretary of State  
6:15pm John Morrison, MT. State Auditor  
6:16pm Kathy Bramer, representing State Supt. Linda McCulloch  
6:17pm Tom Schultz, Administrator, Trust Lands, DNRC  
6:21pm Al Kinkton, Helena, former Montana forester  
**EXHIBIT (nas58a06)**  
6:24pm Ellen Engstedt, Montana Wood Products  
6:25pm Erik Burke, MEA/MFT  
6:26pm Cory Swanson, Plum Creek Timber Company  
6:27pm Bob Vogel, Montana School Board Association  
6:27pm Don Allen, WETA  
6:28pm Fred Hodgeboom, representing Montanans for Multiple Use  
6:30pm Keith Olson, Montana Logging Association  
6:31pm Dave Skooner, representing himself  
6:32pm Sen. Aubyn Curtiss, SD 41, Fortine  
6:32pm Sen. Rick Laible, SD 30, Victor  
6:33pm Janet Ellis, Montana Audubon Society **EXHIBIT (nas58a07)**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

6:29pm Begin  
6:47pm End  
18 min Elapsed time

**Closing by Sponsor:**

6:47pm **REP. LAWSON** closed the hearing on HB 537.

**Discussion on proposed amendment for HB 537:**

6:50pm Begin  
6:53pm End  
3min Elapsed time

**EXECUTIVE ACTION ON HB 700**

**Motion:** SEN. GREG BARKUS moved HB 700 BE CONCURRED IN.

**Discussion:** SEN. TOOLE distributed amendments to HB 700.  
**EXHIBIT**(nas58a08)

**Vote:** Motion to adopt AMENDMENT HB070002.akl carried unanimously.

**Discussion:**

6:55pm Begin  
6:57pm End  
2 min Elapsed time

**Vote:** Motion failed 8-2 with SENATORS TOOLE and ELLINGSON voting in favor of the amendment.

**Motion:** SEN. TOOLE moved AMENDMENT HB070003.akl **EXHIBIT**(nas58a09)

**Discussion:**

6:59pm Begin  
7:05pm End  
6 min Elapsed time

**Vote:** Motion to adopt AMENDMENT HB 070003.akl. Motion failed with SENATORS TOOLE AND ELLINGSON voting in favor of the amendment.

**Motion:** Motion to adopt AMENDMENT HB070001.akl carried unanimously. **EXHIBIT**(nas58a10)

**Motion:** Motion HB 700 BE CONCURRED IN AS AMENDED carried 10-2 with SENATORS TOOLE and ELLINGSON voting no.

**Discussion:**

7:08pm Begin  
7:10pm End

2 min Elapsed time

**EXECUTIVE ACTION ON HB 584**

**Motion:** Motion by SEN. DAN MCGEE HB 584 BE CONCURRED IN.  
**AMENDMENT HB058401.akl** was distributed. **EXHIBIT**(nas58a11)

**Motion:** Motion by SEN. MCGEE to ADOPT AMENDMENT HB058401.akl.  
**Motion carried unanimously.**

**Motion:** Motion by SEN. MCGEE HB 584 BE CONCURRED IN AS AMENDED.

**Vote:** Motion **carried unanimously**. Sen. Duane Grimes will carry this bill.

**EXECUTIVE ACTION ON HB 223**

**Motion:** Motion by SEN. MCCARTHY HB 223 BE CONCURRED IN.

**Discussion:**

7:15pm Begin

7:27pm End

12 min Elapsed time

**Substitute Motion:** SEN. MCCARTHY withdrew her previous motion.

**Discussion:**

7:30pm Begin

7:45pm End

15 min Elapsed time

**NOTE:** NO EXECUTIVE ACTION TAKEN ON HB 223 ON THIS DATE.

**ADJOURNMENT**

Adjournment: 7:46 P.M.

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SEN. BILL TASH, Chairman

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ROBERTA OPEL, Secretary

BT/RO

**EXHIBIT (nas58aad)**